

August 1, 2007

Magistrate Judge Joseph C. Spero
U.S. Dist. Court for the Northern Dist. of California
450 Golden Gate Avenue
16th Floor
San Francisco, California 94102

Via ECF

Re: *Hardee v. United States*, Case No. 3:07-mc-80134

Dear Judge Spero:

Attorney Robert Barnes is in Russia. I am available to participate at the teleconference scheduled for Friday, August 3 in his stead. While Attorney Barnes alone entered an appearance on behalf of the Petitioner Ricky Hardee in this action, I represent Hardee as Barnes's co-counsel in the Hardee's other matters. I am fully versed in this case and have full authority to bind Hardee in this matter. If the court is uncomfortable with this arrangement, I would be pleased to enter a formal appearance and apply for admission pro hac vice.

The Court should also know that I have contacted the assigned Assistant United States Attorney and am hopeful the matter can be dismissed by consent well before the scheduled August 24th.

Sincerely,



Brian H. Mahany
Attorney and Counselor at Law

cc: Asst. U.S. Attorney Thomas Moore (via ECF)
Ricky Dean Hardee (via U.S. Mail)